IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S.ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO.5046 of 2005

Between:

Sri Bhaskara Contractors Company Ltd., rep by Managing Partner R.Pratapa Reddy S/o.R.Krishna Reddy, 47 years, R/o.Flat No.C-3, IInd Floor, Balaji Apartments, Mogulajpuram, Vijayawada.

...PETITIONER

AND

1. The Additional Commissioner (C.T.), Legal, Nampally, Hyderabad.
2. The Commercial Tax Officer, Gudiwada, Krishna District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ or direction more particularly one in the nature of Writ of Mandamus declaring the impugned proceedings in CCT's Ref:LV (2)/3558/04 dated 17.02.2005 passed by the respondent is illegal, arbitrary contrary to the provisions of the APGST Act 1957 and consequently set a side the same and direct the 2nd respondent not to take any coercive steps for recovery of the disputed taxes pending disposal of the appeal be for the sale tax appellate Tribunal.

Counsel for the Petitioner: MR.KUNUKU DURGA PRASAD

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE M.H.S.ANSARI

and

THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO.5046 of 2005

ORDER: (Per the Hon'ble Mr.Justice T.Ch.Surya Rao)

On perusal of the impugned order dated 17.02.2005, we are of the considered view that it is in consonance with the judicial order passed by us and therefore, it does not warrant any interference in this Writ Petition.

The learned counsel for the petitioner represents that the time granted there in, *inter alia*, for deposit has expired and therefore, pleads for extension of time.

The petitioner is given time to deposit 50% of the disputed tax as directed under the impugned order, on or before 31.03.2005. The Writ Petition is accordingly disposed of at the threshold.

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(M.H.S.ANSARI,J)

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(T.CH.SURYA RAO ,J)

17th March 2005

RRB

Copy To:

1. The Additional Commissioner (C.T.), Legal, Nampally, Hyderabad.
2. The Commercial Tax Officer, Gudiwada, Krishna District.
3. Two CCs to G.P. for Commercial Tax, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.